

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 14 and 16-28 are pending. In the present amendment, Claims 14, 16, 17, 20 and 21 are currently amended, Claim 15 is canceled without prejudice or disclaimer, and new Claims 27 and 28 are added. Support for the present amendment can be found in the original specification, for example, at page 6, line 18 to page 7, line 23, in Figures 1-5, and in Claims 15, 16, and 20. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 22-24 were withdrawn; Claims 15, 16, and 20 were rejected under 35 U.S.C. § 112, second paragraph; Claims 14, 15, 18, 21, 25, and 26 were rejected under 35 U.S.C. § 102(b) as anticipated by Russell (U.S. Patent No. 3,345,147); Claims 14, 15, 21, 25, and 26 were rejected under 35 U.S.C. § 102(e) as anticipated by Xiao et al. (U.S. Publication No. 2006/0117802, hereinafter “Xiao”); Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Russell; and Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Russell or Xiao, and further in view of Suh et al. (U.S. Patent No. 4,270,951, hereinafter “Suh”).

The specification is hereby amended to add section headings and to amend the description of the long and short walls to correspond to Figure 1. It is respectfully submitted that no new matter is added.

Regarding the rejection of Claims 15, 16, and 20 under 35 U.S.C. § 112, second paragraph, it is noted that Claim 15 is hereby canceled and Claims 16 and 20 are hereby amended such that each claim only recites a single range. Further, the ranges recited in dependent claims are not broader than any claim on which the dependent claim depends. It is respectfully submitted that no new matter is added. Thus, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Turning now to the rejections under 35 U.S.C. § 102(b), 35 U.S.C. § 102(e), and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Initially, it is noted that Xiao was filed on April 30, 2003. The present application claims priority to French Patent Application No. 03/00380, which was filed on January 15, 2003. Applicants submit herewith an English language translation of French Patent Application No. 03/00380, and a statement that the translation is accurate, thereby perfecting foreign priority. Because Xiao was filed after the filing date of French Patent Application No. 03/00380, Xiao is not prior art with respect to the present application (see MPEP 706.02(b)). Therefore, Applicants respectfully request that the rejections citing Xiao be withdrawn.

Independent Claim 14 is hereby amended to include subject matter from Claim 15. Thus, Claim 14 recites that the at least one wall has open porosity of between 15 and 20%. Accordingly, the at least one wall of the fin produces a uniform flow of air. Specifically, it has been found that it is preferable to have a porosity lower than 20% while increasing the fluid pressure, compared to fins with higher porosities. It has also been found that it is preferable to have a porosity higher than 15% while reducing the fluid pressure, compared to fins with lower porosities. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in Claim 14.

Russell describes a shield unit 26 that includes a plurality of heat removing members in the form of porous, hollow blade-like fins 28.¹ Russell describes that the blade-like fins 28 are pervious or permeable, but does not recite a specific porosity range. However, Russell

¹ See Russell, at col. 5, lines 11-13.

does recite that the perviousness of the metal mesh used to make the fins 28 may be in the order of 30%.²

However, it is respectfully submitted that Russell does not disclose or suggest that “the blowing means are uniform and include at least one wall of the fin, the at least one wall having open porosity of between 15 and 20%,” as recited in Claim 14.

Instead, as discussed above, Russell does not recite a specific porosity range, and states that the perviousness of the metal mesh used to make the fins 28 may be in the order of 30%. Further, Russell describes that uniformity in resistance to flow of fluid through fins 28 can be accomplished by gradually diminishing the dimensions of the fin 28 from one end to the other.³ Thus, Russell does not recognize that the porosity of the fins 28 is a result-effective variable to optimize to achieve a uniform fluid flow.

Accordingly, Russell does not disclose or suggest every feature recited in independent Claim 14. Thus, it is respectfully requested that the rejections of Claim 14, and all claims dependent thereon, as anticipated by or unpatentable over Russell be withdrawn.

Regarding the rejection of Claims 19 and 20 as unpatentable over Russell in view of Suh, it is noted that Claims 19 and Claim 20 depend on Claim 14. Thus, Claims 19 and 20 are believed to be patentable over Russell for at least the reasons discussed above with respect to Claim 14. Further, it is respectfully submitted that Suh does not cure the above-noted deficiencies of Russell. Therefore, it is respectfully requested that the rejection of Claims 19 and 20 as unpatentable over Russell in view of Suh be withdrawn.

New Claims 27 and 28 are added. New Claims 27 and 28 recite ranges previously recited in Claims 16 and 20, and thus are part of the elected species. It is respectfully submitted that no new matter is added. Further, it is noted that new Claims 27 and 28 depend

² See Russell, at col. 6, lines 14 and 15.

³ See Russell, at col. 7, lines 31-34.

on Claim 14, and thus are believed to patentably define over the cited references for at least the reasons discussed above with respect to Claim 14.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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